

# INVENTORS DECLARATION

Attorney Docket No.  
P01983US1

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "A STORAGE CARD FOR HOSTING A BIOLOGICAL SPECIMEN"

(check one) ☐ is attached hereto.

☒ was filed on August 31, 2000 as Application Serial No. 09/651,977  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

## Prior Foreign Application(s)

## Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

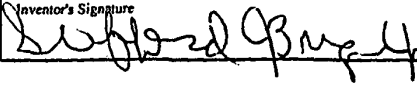
I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)

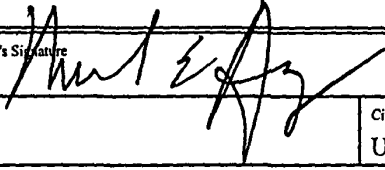
I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s), or § 365(b) of any PCT international application designating the United States of America, listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior U.S. or PCT international application in the manner provided by the first paragraph of Title 35, U.S.C. § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
_____	_____	(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
_____	_____	(patented, pending, abandoned)

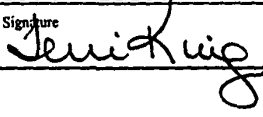
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor Stafford J. Brignac, Jr.		Inventor's Signature 		Date 11/03/00
Residence 2301 South Millbend Road #1908, The Woodlands, Texas 77380			Citizenship United States of America	
Post Office Address Same as above				

Full Name of Second Inventor Michael E. Hogan		Inventor's Signature 		Date
Residence 15087 Old Conroe Road, Conroe, Texas 77384			Citizenship United States of America	
Post Office Address Same as above				

Full Name of Third Inventor Terri King		Inventor's Signature 		Date 11/8/00
Residence 3639 Hwy 3825 Tartan, Houston, Texas 77025			Citizenship United States of America	
Post Office Address				

Full Name of Fourth Inventor		Inventor's Signature		Date
Residence			Citizenship	
Post Office Address				

Full Name of Fifth Inventor		Inventor's Signature		Date
Residence			Citizenship	
Post Office Address				

Full Name of Sixth Inventor		Inventor's Signature		Date
Residence			Citizenship	
Post Office Address				

Full Name of Seventh Inventor		Inventor's Signature		Date
Residence			Citizenship	
Post Office Address				

Full Name of Eighth Inventor		Inventor's Signature		Date
Residence			Citizenship	
Post Office Address				

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Express Mail No. EH459274120US

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**POWER OF ATTORNEY OR  
AUTHORIZATION OF AGENT**

Application Number	
Filing Date	July 11, 2003
First Named Inventor	Hogan, Michael E.
Title	
Art Unit	
Examiner Name	
Attorney Docket Number	GMX 071394-2

I hereby appoint:

☐ Practitioners at Customer NumberPlace Customer  
Number Bar Code  
Label here

OR

☒ Practitioner(s) named below:

Name	Registration Number
Robert D. Touslee	34,032

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number.Place Customer  
Number Bar Code  
Label here

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Robert D. Touslee				
Address	29 Golden Eagle Lane				
Address					
City	Littleton	State	CO	Zip	80127
Country	USA				
Telephone	303 933 0103	Fax	303 933 0126		

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).**SIGNATURE of Applicant or Assignee of Record**

Name	Robert D. Touslee		
Signature	<i>Robert D. Touslee</i>		
Date	July 11, 2003	Telephone	303 933 0103

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: GMX Technology Incorporated

Application No./Patent No.: \_\_\_\_\_ Filed/Issue Date: July 11, 2003

Entitled: INTEGRATED BIOLOGICAL SAMPLE REPOSITORY SYSTEM

GMX Technology Incorporated, a Delaware Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. [ ] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

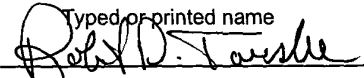
July 11, 2003

Date

303 933 0103

Telephone number

Robert D. Touslee

Typed or printed name  


Signature

President

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

FEBRUARY 03, 2001

PTAS

FULBRIGHT & JAWORSKI, L.L.P.  
MARC L. DELFLACHE  
1301 MCKINNEY, SUITE 5100  
HOUSTON, TEXAS 77010-3095



\*101536636A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/20/2000

REEL/FRAME: 011285/0755  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HOGAN, MICHAEL E.

DOC DATE: 11/07/2000

ASSIGNOR:

BRIGNAC, STAFFORD J., JR.

DOC DATE: 11/03/2000

ASSIGNOR:

KING, TERRI

DOC DATE: 11/08/2000

ASSIGNEE:

GENOMETRIX GENOMICS INCORPORATED  
2700 RESEARCH FOREST DRIVE  
THE WOODLANDS, TEXAS 77381

SERIAL NUMBER: 09651977  
PATENT NUMBER:

FILING DATE: 08/31/2000  
ISSUE DATE:

Received	<i>CBH</i>
FEB 09 2001	
Docket:	<i>PO 1983451</i>
Client:	<i>Geno metrix</i>
Attorney:	<i>MCD</i>

PATENT ASSIGNMENT

WHEREAS, we Michael E. Hogan, a citizen of the United States, residing at 15087 Old Conroe Road, Conroe, Texas 77348; Stafford J. Brignac, Jr., a citizen of the United States of America, residing at 2301 S. Millbend Road, #1908, The Woodlands, Texas, 77380; and Terri King, a citizen of the United States of America, residing at <sup>3139 King</sup> ~~3855~~ Tartan, Houston, Texas 77025; (herein called "Assignors"), are the inventors and owners of a certain new and useful invention(s) (herein "Invention") and improvement(s) entitled "A STORAGE CARD FOR HOSTING A BIOLOGICAL SPECIMEN; and

WHEREAS, Genometrix Genomics Incorporated, a corporation duly organized and existing under and by virtue of the laws of the State of Delaware, and having a principal place of business at 2700 Research Forest Drive, The Woodlands, Texas 77381 (herein called "Assignee"), is desirous of acquiring and Assignors are desirous of assigning to Assignee all right, title and interest in and to said Invention, improvement and any patent and patent application thereon in "A STORAGE CARD FOR HOSTING A BIOLOGICAL SPECIMEN";

NOW, THEREFORE, Assignors, for and in consideration of One Dollar (\$1.00) cash in hand paid to them and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby SELL, ASSIGN and CONVEY unto Assignee all our right, title, and interest throughout the world in and to:

1. Said Invention and improvements in "A STORAGE CARD FOR HOSTING A BIOLOGICAL SPECIMEN";
2. United States of America patent application on said Invention filed August 31, 2000, under Serial No. 09/651,977;

3. All applications for patent or like protection on said Invention that have now been or may in the future be made by Assignors or their legal representatives, whether in the United States of America or any other country or place anywhere in the world;

4. All patents and like protection that have now been or may in the future be granted on said Invention to Assignors or their legal representatives, whether in the United States of America or in any other country or place anywhere in the world;

5. All substitutions for and divisions, continuations, continuations-in-part, renewals, reissues, extensions, and the like of said applications and patents and like grants, including without limitation, those obtained or permissible under past, present and future law or statutes;

6. All rights of action on account of past, present and future unauthorized use of said Invention and for infringement of said patents and like protection;

7. The right to Assignee to file in its name applications for patents and like protection for said Invention in any country or countries foreign to the United States; and

8. All international rights or priority associated with said Invention, applications, patents and like protection.

Assignors covenant that Assignors, their heirs, legal representatives, assigns, administrators, and executors will, at the expense of Assignee, its successors and assigns, execute all papers and perform such other acts as may be reasonably necessary to give Assignee, its successors and assigns, the full benefit of this Assignment.

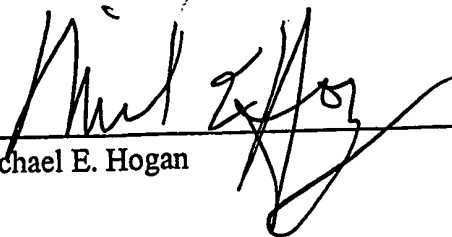
The U.S. Commissioner of Patents and Trademarks is hereby requested to issue U.S. Letters Patent in accordance with this Assignment.

EXECUTED on the date indicated below opposite our signatures.

DATE:

Nov 7, 2000

Michael E. Hogan



DATE:

Nov 3, 2000

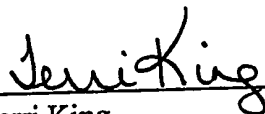
Stafford J. Brignac, Jr.



DATE:

Nov 8, 2000

Terri King





THE STATE OF TEXAS           §  
  §  
COUNTY OF Montgomery   §

This instrument was acknowledged by Michael E. Hogan, on the 7<sup>th</sup> day of November, 2000.

Christine Marie Hairgrove  
Notary Public in and for  
the State of Texas

My Commission Expires:

10/10/2004



THE STATE OF TEXAS           §  
  §  
COUNTY OF Montgomery   §

This instrument was acknowledged by Stafford J. Brignac, Jr., on the 3<sup>rd</sup> day of November, 2000.

Christine Marie Hairgrove  
Notary Public in and for  
the State of Texas

My Commission Expires:

10/10/2004



THE STATE OF TEXAS           §  
  §  
COUNTY OF Montgomery   §

This instrument was acknowledged by Terri King, on the 8<sup>th</sup> day of November, 2000.

Christine Marie Hairgrove  
Notary Public in and for  
the State of Texas

My Commission Expires:

10/10/2004



## COMPREHENSIVE ASSIGNMENT

THIS COMPREHENSIVE ASSIGNMENT OF RIGHTS AND PATENT APPLICATION from Genometrix Genomics, Incorporated ("Assignor"), to GMX Technology Incorporated, ("Assignee") is dated is of June 9, 2003 (this "Assignment"). Assignor and Assignee shall each individually be referred to as a "Party," and collectively as, the "Parties."

WHEREAS, the Parties are also party to the Agreement and Assignment of Rights, dated as of June 9, 2003, between the Assignor and the Assignee (the "Agreement and Assignment of Rights");

WHEREAS, capitalized terms used but not defined herein have the definition set forth in the Agreement and Assignment of Rights;

WHEREAS, pursuant to the Agreement and Assignment of Rights, Assignor has agreed to transfer to Assignee all of Assignor's right, title and interest in and to the Intellectual Property;

NOW THEREFORE, in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do agree as follows:

1. Assignor DOES HEREBY SELL, ASSIGN, TRANSFER AND CONVEY to Assignee, its successors and assigns forever, all of Assignor's right, title and interest in and to the patent application entitled **A STORAGE CARD FOR HOSTING A BIOLOGICAL SPECIMEN**, filed in the U.S.P.T.O. on **August 31, 2000** and assigned a **SERIAL NUMBER 09/651,977**, including all inventions described or claimed therein, and any Letters Patent which may hereinafter be granted in the United States and all countries throughout the world including any divisions, renewals, continuations in whole or in part, substitutions, conversions, reissues, reexaminations, prolongations or extensions of the patents or patent applications, together with the right of priority under

the International Convention for the protection of Industrial Property, and any other international agreements to which the United States adheres, said interest to be held and enjoyed by said Assignee as fully and exclusively as it would have been held and enjoyed by said Assignor had this assignment and transfer not been made, to the full end and term.

2. Assignor further transfers and assigns to Assignee all causes of action, rights, and remedies arising under any such patent applications prior to or after the effective date of this agreement.

3. Assignor does hereby also assign in all countries of the world any and all of Assignor's right, title and interest in and to any and all copyright property appertaining any drawings or other materials relating to the tangible means of expression and illustration of the said patent applications.

4. Assignor pledges and agrees to provide any such further information and documentation as may be necessary for Assignee to record the assignments effected in paragraph (1) above in the United States and in any and all other appropriate countries or jurisdictions.

5. Upon notice by Assignee, Assignor does hereby covenant and agree to provide any such further information and documentation as may be necessary to record, in each relevant jurisdiction, the assignments effected in paragraph (1) above.

**<Signature Page Follows>**

IN WITNESS WHEREOF, Assignor has caused this Assignment to be executed  
as of the date indicated below.

GENOMETRIX GENOMICS, INCORPORATED

By: David Jorden

Name: David Jorden

Date: 6/9/03

State of TEXAS

County of Harris

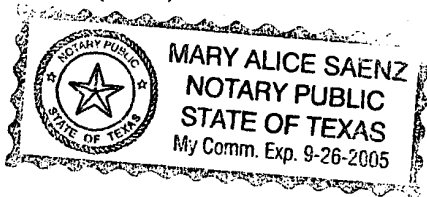
Then personally appeared before me the above named David Jorden and acknowledged that he is acting in an official and designated capacity of Assignor, that he executed the foregoing instrument on behalf of such entity or entities with authority to do so, and that the signing of the instrument is the free act and deed of said legal entity or entities.

Dated this 9<sup>th</sup> day of JUNE, 2003.

Notary Public

MARY ALICE SAENZ (Print Name)

(SEAL)



My commission expires: 9/26/2005